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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/735,338      | 12/12/2003  | Kevin K. Lym         | SONY-06601          | 4599             |

7590 11/19/2004  
HAVERSTOCK & OWENS LLP  
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| EXAMINER |
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BOAKYE, ALEXANDER O

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2667

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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|                              |                                      |                                   |  |
|------------------------------|--------------------------------------|-----------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/735,338 | <b>Applicant(s)</b><br>LYM ET AL. |  |
|                              | <b>Examiner</b><br>ALEXANDER BOAKYE  | <b>Art Unit</b><br>2667           |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-19 and 31-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-19 and 31-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### ***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-7 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of U.S. Patent No. 6,680,944.

Although the conflicting claims are not identical, they are not patentably distinct from each other because both application recite inserting the time value into the packet to be transmitted with the only difference between the claims of the instant application and the claims of the patent being that the preamble of the claim of the patent recites a method of transmitting an isochronous stream of data from a transmitting node to a receiving node over an IEEE 1394-1995 serial bus structure, the isochronous stream of data including a plurality of packets grouped into one or more frames while the preamble of the instant application recites a method of transmitting a stream of data and the instant application is also broader than the patent application. Therefore, it would have been obvious to one of ordinary skill in the art to implement the invention of the instant

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application using the claims of the patent for the benefit of transmitting time sensitive information between devices.

Claims 8-11 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of U.S. Patent No. 6,680,944. Although the conflicting claims are not identical, they are not patentably distinct from each other because both application recite inserting the time value into the packet to be transmitted with the only difference between the claims of the instant application and the claims of the patent being that the preamble of the claim of the patent recites a method of transmitting an isochronous stream of data from a transmitting node to a receiving node over an IEEE 1394-1995 serial bus structure, the isochronous stream of data including a plurality of packets grouped into one or more frames while the preamble of the instant application recites a method of transmitting a stream of data and the instant application is also broader than the patent application. Therefore, it would have been obvious to one of ordinary skill in the art to implement the invention of the instant application using the claims of the patent for the benefit of transmitting time sensitive information between devices.

Claims 12-19 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 11 of U.S. Patent No. 6,680,944. Although the conflicting claims are not identical, they are not patentably distinct from each other because both application recite wherein the time value is inserted into an SYT field within a CIP header of the packet to be transmitted with the

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only different between the claims of the instant application and the claims of the patent being that the preamble of the claim of the patent recites a method of transmitting an isochronous stream of data from a transmitting node to a receiving node over an IEEE 1394-1995 serial bus structure, the isochronous stream of data including a plurality of packets grouped into one or more frames while the preamble of the instant application recites a method of transmitting a stream of data and the instant application is also broader than the patent application. Therefore, it would have been obvious to one of ordinary skill in the art to implement the invention of the instant application using the claims of the patent for the benefit of transmitting time sensitive information between devices.

Claims 31-36 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 11 of U.S. Patent No. 6,680,944. Although the conflicting claims are not identical, they are not patentably distinct from each other because both application recite wherein the time value is inserted into an SYT field within a CIP header of the packet to be transmitted with the only difference between the claims of the instant application and the claims of the patent being that the preamble of the claim of the patent recites a method of transmitting an isochronous stream of data from a transmitting node to a receiving node over an IEEE 1394-1995 serial bus structure, the isochronous stream of data including a plurality of packets grouped into one or more frames while the preamble of the instant application recites a method of transmitting a stream of data and the instant application is also broader than the patent application. Therefore, it would have been obvious to one of

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ordinary skill in the art to implement the invention of the instant application using the claims of the patent for the benefit of transmitting time sensitive information between devices.

Claims 37-43 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9-11 of U.S. Patent No. 6,680,944. Although the conflicting claims are not identical, they are not patentably distinct from each other because both application recite wherein the time value is inserted into an SYT field within a CIP header of the packet to be transmitted with the only difference between the claims of the instant application and the claims of the patent being that the preamble of the claim of the patent recites a method of transmitting an isochronous stream of data from a transmitting node to a receiving node over an IEEE 1394-1995 serial bus structure, the isochronous stream of data including a plurality of packets grouped into one or more frames while the preamble of the instant application recites a method of transmitting a stream of data and the instant application is also broader than the patent application. Therefore, it would have been obvious to one of ordinary skill in the art to implement the invention of the instant application using the claims of the patent for the benefit of transmitting time sensitive information between devices.

Claims 44-48 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,680,944. Although the conflicting claims are not identical, they are not patentably distinct from each other because both application recite obtaining the time stamp value from a

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previous packet and inserting the time value into the packet to be transmitted with the only difference between the claims of the instant application and the claims of the patent being that the preamble of the claim of the patent is an apparatus while the preamble of the instant application is a method and also the claim of the instant application is broader than the claim of the instant application. Therefore, it would have been obvious to one of ordinary skill in the art to implement the invention of the instant application using the claims of the patent for the benefit of transmitting time sensitive information between devices.

Claims 49-54 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11 of U.S. Patent No. 6,680,944. Although the conflicting claims are not identical, they are not patentably distinct from each other because both application recite wherein the time value is inserted into an SYT field within a CIP header of the packet to be transmitted with the only difference between the claims of the instant application and the claims of the patent being that the preamble of the claim of the patent recites a method of transmitting an isochronous stream of data from a transmitting node to a receiving node over an IEEE 1394-1995 serial bus structure, the isochronous stream of data including a plurality of packets grouped into one or more frames while the preamble of the instant application recites a method of transmitting a stream of data and the instant application is also broader than the patent application. Therefore, it would have been obvious to one of ordinary skill in the art to implement the invention of the instant application using the

claims of the patent for the benefit of transmitting time sensitive information between devices.

Claims 60-64 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11 of U.S. Patent No. 6,680,944. Although the conflicting claims are not identical, they are not patentably distinct from each other because both application recite wherein the time value is inserted into an SYT field within a CIP header of the packet to be transmitted with the only difference between the claims of the instant application and the claims of the patent being that the preamble of the claim of the patent recites a method of transmitting an isochronous stream of data from a transmitting node to a receiving node over an IEEE 1394-1995 serial bus structure, the isochronous stream of data including a plurality of packets grouped into one or more frames while the preamble of the instant application recites a method of transmitting a stream of data and the instant application is also broader than the patent application. Therefore, it would have been obvious to one of ordinary skill in the art to implement the invention of the instant application using the claims of the patent for the benefit of transmitting time sensitive information between devices.

Claims 65-70 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11 of U.S. Patent No. 6,680,944. Although the conflicting claims are not identical, they are not patentably distinct from each other because both application recite wherein the time value is inserted into an SYT field within a CIP header of the packet to be transmitted with the



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only difference between the claims of the instant application and the claims of the patent being that the preamble of the claim of the patent recites a method of transmitting an isochronous stream of data from a transmitting node to a receiving node over an IEEE 1394-1995 serial bus structure, the isochronous stream of data including a plurality of packets grouped into one or more frames while the preamble of the instant application recites a method of transmitting a stream of data and the instant application is also broader than the patent application. Therefore, it would have been obvious to one of ordinary skill in the art to implement the invention of the instant application using the claims of the patent for the benefit of transmitting time sensitive information between devices.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (571) 272-3183. The examiner can normally be reached on M-F from 8:30am to 6:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (571) 272-3179. The fax number is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-4750.

Alexander Boakye

Patent Examiner

AB

11/12/04

  
CHI PHAM  
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